

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASVEER SINGH; JESUS MIER;
TOMMIE PRUITT; and ELBERT
JEFFERY,

Plaintiffs,

vs.

YELLOW TRANSPORTATION, et al.,

Defendants.

Case No. 2:05-cv-0521-RRB

ORDER REGARDING
PENDING MATTERS

A review of the file indicates that the parties continue to dispute a number of issues and have filed numerous motions in limine. In order to assist the parties in trial preparation, the Court sets forth herein its tentative thinking with regard to a number of these matters.

First, however, the Court will require the parties to hereinafter caption their pleadings only to include the parties still in the case.

Although the Court will not revisit or overrule the decision previously made by Judge England, the Court will permit

Plaintiffs to proceed with a claim of hostile work place and racial harassment based upon the totality of circumstances, which may include incidents of alleged retaliation. The Court does not expect that the evidence of these matters will be unnecessarily long and should be set forth clearly and specifically. The jury should be able to reach its conclusions based on a fair understanding of the work environment and totality of circumstances at the relevant time.

Defendants, too, should be able to present the circumstances relevant to their defenses, which would include a fair representation of the overall work environment, the frame of mind of the parties, and Defendants' assertion that the treatment was not hostile or unwelcome. This would include much of the "bad acts" referred to by the parties in their ongoing motion practice.

With regard to the "state law claims," Plaintiffs shall specifically set forth, in less than three pages, and on or before **July 31, 2008**, what additional elements they would include and why, other than the possible issue of attorney fees, this is important to Plaintiffs.

The oral argument currently set **July 28, 2008**, is **VACATED** and shall be replaced by a status hearing and argument on Defendant's Motion to Reconsider. The telephonic hearing will be

held on **Friday, August 8, 2008, at 10:00 AM (9:00 AM Alaska Time)**.

The parties shall call 907-677-6246 at the time scheduled for the hearing to attend.

ENTERED this 23rd day of July, 2008.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE